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ACE AMERICAN INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil No. 07 cv 2761 (RPP)

MARK DeGEORGE

Plaintiff,

-against-

ACE AMERICAN INSURANCE COMPANY,

Defendant.

**RESPONSE TO PLAINTIFF'S
LOCAL RULE 56.1
STATEMENT**


Defendant, ACE AMERICAN INSURANCE COMPANY, ("ACE") by their attorneys,
RUBIN, FIORELLA & FRIEDMAN, LLP, as and for their Response to Plaintiff's Local Rule 56.1
Statement, respectfully set forth:

1. Admitted.
2. Admitted that the policy provided liability insurance coverage pursuant to its terms, conditions and warranties.
3. Admitted that the policy provided liability insurance coverage for a 1982 Sea Ray Express pursuant to its terms, conditions, and warranties.

4. Admitted that plaintiff testified he notified his broker.
5. Admitted that the policy provided liability insurance coverage pursuant to its terms, conditions, and warranties.
6. Denied as stated. The claimant's attorney contacted ACE on September 21, 2005, but it does not constitute a valid notice under the policy's Notice of Loss provision.
7. Denied as stated. The claimant's attorney contacted ACE on December 5, 2005, by correspondence, but it does not constitute a valid notice under the policy's Notice of Loss provision.
8. Admitted that ACE declined coverage by letter dated May 24, 2006.
9. Admitted that ACE declined coverage for DeGeorge's claims for late notice under the terms, conditions, and warranties of the policy.

Dated: New York, New York
November 21, 2007

By:


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